

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTOLIN ANDREWS,

1:01-cv-05783-OWW-DLB-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 20)

vs.

R.A. CORTEZ,

**ORDER DISMISSING [FIRST]
AMENDED COMPLAINT/ACTION**
(Doc. 17)

Defendant.

Plaintiff, Antolin Andrews ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On March 20, 2006, the Magistrate Judge filed Findings and Recommendations herein which were served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty (30) days. On May 4, 2006, plaintiff filed objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C.

1 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
2 de novo review of this case. Having carefully reviewed the
3 entire file, the Court finds the Findings and Recommendations to
4 be supported by the record and by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The Findings and Recommendations, filed March 20, 2006,
7 are ADOPTED IN FULL;

8 2. The [first] amended complaint, filed May 24, 2004, is
9 DISMISSED in its entirety, without leave to amend, as plaintiff
10 was previously granted leave to amend and was unable to cure the
11 deficiencies identified; and,

12 3. This action is therefore dismissed in its entirety.
13 IT IS SO ORDERED.

14 **Dated: July 29, 2006**
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE